

Message Text

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TO USMISSION NATO

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E.O. 11652: N/A

TAGS: OCON, NATO, MILI

SUBJECT: NATO SEASPARROW MISSILE SYSTEM - MOU

REF: A. USNATO 6168, B. USNATO 35

1. WE AGREE THAT OBJECTIONS TO ARMS EXPORT CONTROL ACT (AECA) CITED IN REF A ARE OF DUBIOUS VALIDITY SINCE ACT FOR THE MOST PART RESTATES AND EXPRESSES IN GREATER DETAIL SOME REQUIREMENTS WHICH HAD TO BE OBSERVED BY USG UNDER PREVIOUS LAW. USG PARTICIPATION IN NATO PROJECTS IS NOT SIGNIFICANTLY AFFECTED BY AECA, WHICH IN A NUMBER OF INSTANCES CONTAINS EXCEPTIONS FOR NATO FROM OTHERWISE GENERALLY APPLICABLE PROVISIONS.

2. REGARDING THE BELGIAN AND DUTCH INQUIRIES MENTIONED IN LIMITED OFFICIAL USE

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PAGE 02 STATE 007314

PARA 2 OF REF A , OUR DISCUSSIONS WITH THE NATO SEASPARROW PROJECT OFFICE (NSPO) INDICATE AT THE LEVEL THE DUTCH, ALONG WITH OTHER MEMBERS (BELGIUM, DENMARK, ITALY, NORWAY, AND THE US) OF THE SEASPARROW COOPERATIVE PROJECT ARE SATISFIED WITH THE CONSORTIUM AND ITS PRODUCT. EACH GOVT IS PRESENTED WITHIN THE NSPO, AND THIS SHOULD GIVE EARLY VISIBILITY TO ANY COST INCREASES.

3. WE EXPECT US LAWS REGARDING MILITARY SALES AND EXPORTS

TO UNDERGO FURTHER CHANGE AS ARMS TRANSFER ISSUES CONTINUE TO BE OF BROAD INTEREST TO US CONGRESS. USG CAN ENGAGE IN MILITARY SALES AND EXPORT ACTIVITIES ONLY IN ACCORDANCE WITH ITS OWN LAWS. WE SHALL REMAIN ALERT TO POSSIBLE ADVERSE CONSEQUENCES OF PROPOSED LEGISLATION IN NATO CONTEXT AND ARE CONFIDENT THAT CONGRESSIONAL SUPPORT FOR A STRONG NATO WILL PREVENT ENACTMENT OF HARMFUL AMENDMENTS.

4. RE SPECIFIC POINTS LISTED IN PARA 3 REF A :

(A) US LAW HAS FOR MANY YEARS REQUIRED FMS SALES TO BE MADE "FOR VALUE." STANDARD FORM FMS CONTRACT, WHICH PROVIDES FOR PAYMENT TO USG OF FULL COST OF ITEMS SOLD, HAS NOT BEEN REVISED SINCE ENACTMENT OF AECA.

(B) AECA CONTAINS NO NEW REQUIREMENTS RE DEPENDABLE UNDERTAKING PAYMENT SCHEDULE REVISIONS.

IT SHORTENS TIME FOR SALES FROM STOCK DURING WHICH PAYMENT MUST BE MADE, BUT THIS CHANGE DOES NOT AFFECT NORMAL TRANSACTIONS.

(C) AECA DOES NOT CONTAIN NEW RESTRICTIONS ON THIRD COUNTRY TRANSFERS BETWEEN NATO PARTIES. IT ONLY CHANGES INTERNAL USG PROCEDURES IN THIS REGARD.

(D) AECA SPECIFICALLY RECOGNIZES SPECIAL STATUS OF NATO IN SECTIONS 21(E)(2), 21(G), 36(D), AND 38(B)(3).

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PAGE 03 STATE 007314

5. WITH RESPECT TO THE SPECIFIC CASE OF SEASPARROW, WE ARE PROCEEDING TO NOTIFY CONGRESS (UNDER SECTION 3(D) OF THE AECA) OF OUR INTENTION TO CONSENT TO THE TRANSFER OF DEFENSE ARTICLES AND SERVICES AMONG THE GOVERNMENTS PARTICIPATING IN THE COOPERATIVE SEASPARROW VENTURE IN ACCORDANCE WITH THE MOU. THIS CONSENT WILL TAKE THE FORM OF OUR BECOMING PARTY TO THE MOU, WHICH CONTAINS A CONSENT PROVISION (PARAGRAPH 7, SECTION VI) PERMITTING TRANSFERS AMONG CONSORTIUM MEMBERS WITHOUT NEED FOR FURTHER SPECIFIC USG CONSENT. ONCE CONGRESS IS NOTIFIED, WE WILL HAVE TO WAIT 30 DAYS BEFORE WE MAY SIGN MOU.
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